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Summary record of the 42nd meeting
Held at Headquarters, New York, on Friday, 1 April 2005, at 3 p.m.

Chairman: Mr. MacKay ..... (New Zealand)
later: Mr. Elji (Vice-Chairman) ..... (Syrian Arab Republic)
later: Mr. MacKay (Chairman) ..... (New Zealand)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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The meeting was called to order at 4. p.m.

Other matters (*continued*)

1. **The Chairman** recalled that at the Committee's 41st meeting, held on 30 March 2005, the representatives of Egypt and India had raised a number of questions regarding the implementation of section XI of General Assembly resolution 59/276 on a strengthened and unified security management system for the United Nations and resolution 59/266 on human resources management. The Assistant Secretary-General for Human Resources Management would respond to the questions raised.

2. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that as of 1 April 2005, 146 posts had been advertised for the Department of Safety and Security, 19 of which were at the Professional and higher levels, and 127 in the security services. Of the 19 Professional and higher level posts, three were at the D-2 level, two were at the D-1 level, and 14 at the P-3 to P-5 levels. Vacancies for an additional 14 Professional posts were currently before the central review bodies for approval of the evaluation criteria, and vacancy announcements for several other Professional posts were at various stages of preparation. Twenty-six posts in the Professional and higher categories had been advertised for the Counter-Terrorism Committee Executive Directorate (CTED) and decisions had been made with respect to two P-5 (chiefs of section in the assessment and technical assistance office, respectively) and two P-4 posts. Nine posts were under review by the central review bodies and 13 were being prepared for review.

3. **Mr. Mazumdar** (India) asked when the vacancy announcements for the 26 CTED posts had been published and what had been the deadline for the receipt of applications.

4. **Mr. Elnaggar** (Egypt) said that he would be grateful for information about the process used to announce the vacancies, in the light of the provisions of General Assembly resolutions 59/266 and 57/305. Moreover, on 28 March 2005 his delegation had received a note from the Secretariat referring to an earlier note of December 2003 in which the Secretariat had asked the Permanent Missions whether they wished to receive printed copies of vacancy announcements published on the Galaxy system.

5. In its second note, the Secretariat had advised that 18 requests for hard copies had been received. Since the second note was presumably a follow-up to the implementation of General Assembly resolution 59/266, he wondered why the follow-up process had taken almost three months. Furthermore, in its resolution 57/305 the General Assembly had requested the Secretary-General to continue to circulate hard copies of all vacancy announcements to all delegations, except those delegations which indicated otherwise. He would therefore like to know how the language contained in the Secretariat's second note represented a follow-up to the resolution, and whether delegations not responding would still receive copies.

6. **Mr. Tal** (Jordan) said that it was his delegation's understanding that, according to resolution 57/305, printed copies of vacancy announcements should be circulated to all Missions, except those that indicated otherwise. However, the practice followed appeared to be quite the opposite.

7. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management), responding to the Committee's questions, said that the announcements of the 26 vacancies for CTED had been issued on 24 November 2004 and that the closing dates for the General Service and Professional posts had been 23 December 2004 and 23 January 2005, respectively. The CTED and Department of Safety and Security posts had been advertised on the Galaxy system, in accordance with normal practice. The closing dates for the Department of Safety and Security posts had been more varied than those for the CTED posts, as they were being posted as the process was completed.

8. With respect to the distribution of printed copies of vacancy announcements, she wished to apologize to all Member States for an apparent misinterpretation of the wishes of the General Assembly, as expressed in its resolutions 57/305 and 59/266. Her Office had interpreted the spirit of resolution 57/305 as meaning that it should provide printed copies only to those Missions which had requested them. In response to its note of December 2003, 18 Member States had replied in the affirmative and had been receiving printed copies of announcements since then. Those that had not responded were assumed not to wish to receive copies.

9. The contents of the second note had reflected the understanding of her Office that the same system should be continued pursuant to resolution 59/266. Her

Office was responsible for creating confusion in that regard and had indeed taken too long to send the second note pursuant to the resolution adopted in December 2004. In order to remove any remaining ambiguity in the interpretation of the two resolutions in question, she had instructed her Office to ensure that, with effect from 8 April 2005, all 191 Member States received printed copies of all vacancy announcements, unless they indicated otherwise.

10. **Mr. Elnaggar** (Egypt) said that it appeared nothing could be done about the situation, since the posts in question had been filled. However, he wondered how the situation could be rectified for the future. In the view of his delegation, the language of the two resolutions was very clear and the Committee should address the issue.

11. **Mr. Mazumdar** (India) said that he was puzzled to note that the vacancy announcements had been advertised on 24 November 2004, since resolution 59/266 had not been passed until 22 December 2004. Moreover, he would be grateful to know whether any of the Professional posts had been filled before 23 January 2005.

12. **Mr. Tal** (Jordan) said that his delegation was somewhat uneasy at the misinterpretation of the resolutions, since the language appeared to be quite straightforward.

13. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that the vacancies had been posted in advance of the resolution upon the establishment of CTED in order to expedite the process. Moreover, each vacancy announcement had included language to the effect that creation of the post was subject to a decision of the General Assembly. None of the posts had been filled before 23 January 2005 and indeed the rate of recruitment had been relatively slow.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

14. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said it was regrettable that nothing could be done about those posts that had either been announced and filled or that had been announced and were under review. However, the Group would formally request that all posts in the Department of Safety and Security or in any other related occupational group that had been announced should be re-announced for a further period of 60 days. The Group would also like to know under which mandate the CTED posts had been advertised before a General Assembly resolution establishing them. That practice should cease forthwith.

15. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that the practice of advertising posts ahead of an expected General Assembly resolution had been in place for some time, and its sole purpose was to expedite recruitment in those cases where new entities were being established. However, her Office had noted the reservations of the Group of 77 and China concerning the practice.

16. **Mr. Mazumdar** (India) drew attention to section VII, paragraph 14, of resolution 59/276, which requested the Secretary-General to recruit staff for CTED in full compliance with relevant resolutions of the General Assembly. It was not in the Committee's interest to hamper recruitment to CTED or the Department of Safety and Security, but it was concerned that the Secretariat should comply with General Assembly mandates. He would therefore be grateful if the Assistant Secretary-General for Human Resources Management would confirm that the requirements of the resolution in question were indeed being followed.

17. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that the posts were being filled in accordance with the relevant General Assembly resolutions.

18. **Ms. Attwooll** (United States of America) said that her delegation would be grateful for clarification regarding the legislative implications of the proposal of the Group of 77 and China that the posts concerned should be readvertised, and regarding the implications of the proposal for the operational effectiveness of the Department of Safety and Security.

19. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that a decision of the Committee would be required in order for the posts to be readvertised. It was her assumption that the proposal of the Group of 77 and China concerned all posts in the Department of Safety and Security that had not yet been filled, regardless of whether they had already been closed or were still in preparation.

20. **Mr. Almstrom** (Acting Director of Regional Operations in the Department of Safety and Security),

addressing the operational implications of the proposal, said that his Department was looking forward to the earliest possible appointment of the senior managers. In the event of a delay in their appointment, the Department would do the best it could with its existing expertise, but there would be operational risks involved, which were difficult to quantify.

The meeting was suspended at 5 p.m. and resumed at 5.25 p.m.

21. **Mr. Van den Bossche** (Belgium), speaking on behalf of the European Union, the acceding countries (Bulgaria and Romania), the candidate country (Turkey), the stabilization and association process countries (Albania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and, in addition, Iceland, and supported by the representatives of Japan and the United States of America, said that the issue before the Committee was important and had broad-ranging implications. However, since the Committee must take action on a number of draft resolutions, it would be better if it first addressed those items before returning to the proposal of the Group of 77 and China.

22. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that with regard to the proposal to defer further consideration of the proposal to readvertise the posts until after the other items had been addressed, she would be grateful for an assurance from the Chairman that the current part of the resumed session would not be declared closed until the proposal of the Group of 77 and China had been given full consideration.

23. **The Chairman** said that he would certainly not close the session until the proposal of the Group of 77 and China had been given full consideration

Agenda item 107: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*)

Report of the Office of Internal Oversight Services on strengthening the investigation functions in the United Nations (*continued*) (A/C.5/59/L.40)

Draft resolution A/C.5/59/L.40

24. **The Chairman** drew attention to draft resolution A/C.5/59/L.40.

25. *Draft resolution A/C.5/59/L.40 was adopted.*

Procurement reform (*continued*) (A/C.5/59/L.44)

Draft resolution A/C.5/59/L.44

26. **The Chairman** drew attention to draft resolution A/C.5/59/L.44.

27. **Mr. Abelian** (Secretary of the Committee) said that in section A, paragraph 18, the word "processes" should be singular. In section B, paragraph 7, the word "including" should be replaced by the word "and" and the comma immediately preceding it should be deleted.

28. **Mr. Iosifov** (Russian Federation), supported by **Ms. Udo** (Nigeria), said that it had been agreed in informal consultations that in section B, paragraph 3, the words "of the United Nations air operations" would be replaced by the words "when providing air services to the United Nations". However, that change was not reflected in the text before the Committee.

29. **The Chairman** said that the Secretariat had taken note of the language agreed by Member States.

30. *Draft resolution A/C.5/59/L.44, as orally corrected, was adopted.*

31. **Mr. Torres Lépori** (Argentina), speaking in explanation of position on behalf of the Rio Group, expressed regret that the share of Latin American and Caribbean countries in United Nations procurement remained disproportionately low. He trusted that, in future, those countries would be accorded fairer treatment.

32. **Ms. Udo** (Nigeria), speaking on behalf of the African Group, said that the Procurement Division should intensify its efforts to ensure that African vendors participated fully in United Nations procurement. While the Group had joined the consensus in the spirit of cooperation, it had hoped that the draft resolution would contain more categorical language on that issue.

33. With regard to section A, paragraph 8, she sought an assurance that the Procurement Division would continue to process applications submitted by vendors in hard copy.

34. **Mr. Saunders** (Chief of the Procurement Division) confirmed that the Procurement Division would accept vendor applications submitted in hard copy, whether by fax or by mail.

Outsourcing practices (continued)
(A/C.5/59/L.45)

Draft resolution A/C.5/59/L.45

35. **The Chairman** drew attention to draft resolution A/C.5/59/L.45. In paragraph 3, the words "paragraphs 1 and 3" should read "paragraphs 1 to 3".

36. *Draft resolution A/C.5/59/L.45, as orally corrected, was adopted.*

Agenda item 108: Programme budget for the biennium 2004-2005 (*continued*)

Special subjects relating to the programme budget for the biennium 2004-2005 (A/C.5/59/L.36)

Draft resolution A/C.5/59/L.36

37. **The Chairman** drew attention to draft resolution A/C.5/59/L.36, which consisted of three sections: section A, "Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council"; section B, "Information and communication technology strategy"; and section C, "Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for Rwanda".

38. **Mr. Abelian** (Secretary of the Committee) said that in section B, in the second line of paragraph 4, the word "timelines" should be replaced by the word "timeliness" and the words "of the" should be deleted.

39. **Ms. Van Buerle** (Officer-in-Charge of the Programme Planning and Budget Division) said that section A included a provision for the purchase of anti-missile self-defence systems for aircraft for the United Nations Assistance Mission for Iraq (UNAMI). The system was designed to detect infrared-guided missiles aimed at aircraft and to activate countermeasures to jam the missiles' guidance systems. No action was required by the crew. The system could be installed on a variety of aircraft during regular scheduled maintenance.

40. With regard to section B, paragraph 2, the information on the Intranet of the United Nations Secretariat (iSeek) was already available to Member States. The Secretariat, in close consultation with the Ad Hoc Working Group on Informatics, had developed a new version of the website for permanent missions, which could be accessed at www.un.int. In addition, it was creating an extensible portal of information which would include content of interest from iSeek, as requested by the Ad Hoc Working Group. That content would be provided in the working languages in which it was available on iSeek.

41. Should the General Assembly adopt section C, the programme budget implications of paragraphs 4 and 5 would amount to approximately $627,900: $147,700 under section 7 (International Court of Justice) of the programme budget for the biennium 2004-2005; $259,000 under the budget of the International Tribunal for the Former Yugoslavia; and $221,000 under the budget of the International Criminal Tribunal for Rwanda. Those additional expenditures would be reported to the Assembly in the context of the second performance report on the programme budget for the biennium 2004-2005 and the second performance reports on the budgets of the two Tribunals for 2004-2005. Given the current composition of the International Court of Justice and the terms of office of its members, the provisions of paragraph 6 would not result in any additional requirements. The requirements for 2006-2007 would be considered in the context of the proposed programme budget for the biennium 2006-2007 and the proposed budgets for the Tribunals for 2006-2007.

42. *Draft resolution A/C.5/59/L.36, as orally corrected, was adopted.*

43. **Ms. Udo** (Nigeria), noting that the representative of the Secretariat had read from a prepared statement, said that the text should have been provided to the Committee ahead of time.

44. **The Chairman** said that the text would be made available to delegations as soon as possible.

Draft decisions submitted by the Chairman following informal consultations (A/C.5/59/L.38)

45. **The Chairman** drew attention to the draft decisions contained in document A/C.5/59/L.38: draft decision B, "Construction of additional office facilities at the Economic Commission for Africa in Addis Ababa"; draft decision C, "Review of the structure and functions of all liaison offices or representation in New York of organizations headquartered elsewhere funded from the regular budget"; draft decision D, "Report of the Office of Internal Oversight Services on the review of the operations and management of United Nations libraries"; draft decision E, "Review of the regular programme of technical cooperation and the Development Account"; and draft decision F, "Standards of accommodation for air travel". Draft decision A, "United Nations Fund for International Partnerships", had been adopted at the Committee's 35th meeting, on Tuesday, 8 March 2005.

46. *Draft decisions B to F contained in document A/C.5/59/L.38 were adopted.*

47. **Ms. Udo** (Nigeria), speaking on behalf of the African Group, expressed regret that the Committee had been unable to conclude its consideration of the report of the Secretary-General on the review of the regular programme of technical cooperation and the Development Account (A/59/397). Every effort should be made to ensure that the report was taken up again at the second part of the resumed session.

Agenda item 116: United Nations common system (*continued*) (A/C.5/59/L.42)

Draft resolution A/C.5/59/L.42

48. **The Chairman** drew attention to draft resolution A/C.5/59/L.42.

49. *Draft resolution A/C.5/59/L.42 was adopted.*

Agenda item 108: Programme budget for the biennium 2004-2005 (*continued*)

Agenda item 120: Administration of justice at the United Nations (*continued*)

Administration of justice at the United Nations (*continued*) (A/C.5/59/L.46)

Draft resolution A/C.5/59/L.46

50. **Mr. Mirmohammad** (Islamic Republic of Iran), introducing draft resolution A/C.5/59/L.46, expressed the hope that the draft resolution would contribute to the enhancement of the internal justice system at the United Nations and urged its adoption by consensus.

51. **Ms. Van Buerle** (Officer-in-Charge of the Programme Planning and Budget Division) said that, in the case of draft resolution A/C.5/59/L.46 on the administration of justice at the United Nations, shortage of time had prevented the Secretariat from carrying out the consultations and analysis needed to submit the estimate of expenditure required by rule 153 of the rules of procedure of the General Assembly.

52. However, an initial review of the draft resolution suggested that implementation of paragraphs 8, 10, 25, 30, 37, 46, 47 and 49 might give rise to additional requirements for the 2004-2005 programme budget. If the General Assembly decided to adopt those paragraphs, the Secretariat would proceed with their implementation and report on their financial implications in the context of the second performance report for the biennium. Similarly, implementation of paragraphs 8, 10, 25, 28, 30, 37, 46, 47 and 48 might give rise to additional requirements for the 2006-2007 programme budget. The Secretariat would review those potential requirements in detail and report to the General Assembly at its sixtieth session as part of the revised estimates for the proposed programme budget for that biennium.

53. *Mr. Elji (Syrian Arab Republic), Vice-Chairman, took the Chair.*

54. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that the Secretariat was unable to present specific proposals to satisfy the request made in paragraph 30 of the draft resolution because of lack of time and resources. The needs which must be taken into account in the proposals went far beyond the functions of the Administrative Law Unit alone and related to the system of administration of justice as a whole. The preparation of such proposals would require extensive consultations with the Office of the Ombudsman, the Panel of Counsel, the secretariat of the Joint Appeals Board, the Office of Internal Oversight Services, the Office of Legal Affairs, the Office of the Under-Secretary-General for Management and the Executive Office of the Secretary-General.

55. Moreover, the Secretariat was unable to redeploy resources from the Administrative Law Unit, which had only four Professional staff performing all of the Unit's functions interchangeably. Reducing the Unit's staffing level would harm the conduct of disciplinary procedures and appeals. The Secretary-General looked forward to the views of the Redesign Panel on the place of the Administrative Law Unit in a new, integrated system of justice.

56. **Mr. Kozaki** (Japan) recalled that the Committee had discussed the draft resolution on the administration of justice at the United Nations on the assumption that it would have no new programme budget implications for 2005 that could not be absorbed within existing resources. He was therefore surprised to hear the opposite from the representatives of the Secretariat and hoped that the Chairman could confirm that there were in fact no budget implications for 2005.

57. *Mr. MacKay (New Zealand), Chairman, resumed the Chair.*

58. **The Chairman**, after consulting the Committee, confirmed its understanding that the draft resolution should have no programme budget implications for 2005 that could not be absorbed within existing resources.

59. **Mr. Kozaki** (Japan) thanked the Chairman for his clarification. However, he still doubted the Secretariat's explanation of programme budget implications for 2005. Paragraphs 10 and 25 did not call for additional expenditure, as they merely recognized a situation. Paragraph 30 also involved no expenditure and merely requested that proposals should be presented. Paragraph 36 referred not to expenditure but to a transfer of resources from one section of the budget to another. Paragraphs 47, 48 and 50 failed to mention 2005 and set a deadline of 1 February 2006 for the Panel to start its functions. The table attached to the draft resolution specified that programme budget implications would be reflected in the revised estimates to be submitted to the General Assembly at its sixtieth session. He believed that the table's sole reference to the fifty-ninth session was an error. The reference should have been to the sixtieth session instead.

60. **Ms. Van Buerle** (Officer-in-Charge of the Programme Planning and Budget Division) reiterated that the Secretariat had had too little time to evaluate the draft resolution in the manner provided for in rule 153 of the rules of procedure of the General Assembly. It could not confirm whether additional expenditure would result and if so how much. It could only point out that additional expenditure was likely. It was for the General Assembly rather than the Main Committees to decide whether or not programme budget implications would affect its decision on a proposal. Furthermore, the Secretary-General could implement decisions of the General Assembly only if sufficient resources were available. As the Assistant Secretary-General for Human Resources Management had pointed out, some of the Committee's requests simply could not be fulfilled.

61. **The Chairman** informed the Committee that interpretation would no longer be provided after 6.15 p.m. and that sound engineering services would be withdrawn at 6.30 p.m.

62. **Mr. Iosifov** (Russian Federation) said that it was against established procedure for the Committee to adopt decisions and resolutions without interpretation into the Organization's official languages. It would not take the Committee long to conclude its business and he believed that the interpreters should be able to remain without incurring additional conference-servicing costs.

63. **The Chairman** said that the Secretariat had been unable to accommodate his request for the interpreters to remain. He had taken note of the concerns of the members of the Committee and would pass them on to the Secretariat.

64. **Mr. Elji** (Syrian Arab Republic) requested a suspension of the meeting so that the members of the Committee could discuss the implications of adopting decisions and resolutions without interpretation.

The meeting was suspended at 6.20 p.m. and resumed at 6.30 p.m.

65. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that the draft resolution on the administration of justice at the United Nations would require further clarification in informal consultations. The meeting should therefore be adjourned and the Committee should meet again when interpretation was available.

66. **Ms. Soni** (Canada) wondered about the consequences of failing to take action to approve resources for peacekeeping operations at the current meeting.

67. **The Chairman** said that he would have no option but to call a further meeting the following week to enable the Committee to take action on the remaining draft decisions and resolutions. He recalled that he had undertaken not to declare the first part of the resumed session concluded until the issue raised earlier under "Other matters" had been resolved.

68. **Ms. Soni** (Canada) asked the Chairman to confirm that interpretation services would be available to the Committee at its next meeting, as she had been advised that there would be a problem of availability during the following week.

69. **The Chairman** confirmed that the Fifth Committee would be provided with interpretation services for a single meeting during the following week.

70. **Mr. Van den Bossche** (Belgium) said that the European Union was firmly opposed to the way in which matters were proceeding. It was irresponsible for the Committee to have to schedule a further full meeting at much greater cost than the limited extension of interpretation services which it had requested. He recalled that it had yet to approve urgently needed resources for three peacekeeping operations.

71. **The Chairman** said that senior Secretariat officials had informed him that the extension of interpretation services he had requested was not possible. The Committee would meet again when the interpretation to which the Member States were fully entitled was available. In the meantime, he called on the members of the Committee, especially the coordinators of the informal consultations, to ensure that the draft decisions and resolutions on the financing of peacekeeping operations and the administration of justice at the United Nations were finalized.

72. **Ms. Udo** (Nigeria), speaking on behalf of the African Group, expressed disappointment that the Committee had been unable to take action on the draft resolutions on peacekeeping. She requested the Chairman to have the Secretariat explain why the Committee had been refused interpretation, as it was her understanding that the Economic and Social Council had met earlier until 7.30 p.m. It was unfair for the Fifth Committee to be treated differently.

73. **Mr. Elji** (Syrian Arab Republic) said that he shared the concerns of the European Union and the African Group. He wondered why the Secretariat had been unable to find the resources to provide an additional half hour of interpretation services, thus hindering the Committee's work.

The meeting rose at 6.40 p.m.